



U.S. Department of Justice  
Civil Division

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VIA CM/ECF

June 9, 2023

David J. Smith, Clerk of Court  
U.S. Court of Appeals for the Eleventh Circuit  
56 Forsyth St. NW  
Atlanta, GA 30303

RE: *Cooper v. Attorney General* (No. 22-13893) (oral argument not yet scheduled)

Dear Mr. Smith:

We respectfully write to respond to plaintiffs-appellants' letter regarding the Third Circuit's decision in *Range v. Attorney General*, No. 21-2835 (June 6, 2023), and to inform the Court of the Eighth Circuit's decision in *United States v. Jackson*, No. 22-2870 (June 2, 2023), both of which involved as-applied Second Amendment challenges to the federal prohibition on the possession of firearms by felons, *see* 18 U.S.C. § 922(g)(1). *Range* held that Section 922(g)(1) is unconstitutional as applied to an individual with a disqualifying 1995 conviction for a state-law fraud offense. For the reasons discussed in the government's briefing in *Range* and by the dissenting judges in that case, the Third Circuit's conclusion is incorrect.

*Range* also departs from controlling decisions of this Court and several other circuits, including the Eighth Circuit's recent decision in *Jackson*. *See* Gov't Br. 14 (discussing *United States v. Rozier*, 598 F.3d 768, 771 (11th Cir. 2010)). *Jackson* upheld the constitutionality of Section 922(g)(1) as applied to an individual whose disqualifying offenses were state-law felonies for selling controlled substances.

Sincerely,

/s/ Steven H. Hazel  
Steven H. Hazel  
Attorney

**CERTIFICATE OF COMPLIANCE**

This letter complies with the type-volume limit of Federal Rule of Appellate Procedure 28(j) because it contains 176 words. This letter also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)-(6) because it was prepared using Word for Microsoft 365 in Garamond 14-point font, a proportionally spaced typeface.

*s/ Steven H. Hazel*

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Steven H. Hazel

**CERTIFICATE OF SERVICE**

I hereby certify that on June 9, 2023, I electronically filed the foregoing with the Clerk of the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system. Service will be accomplished by the appellate CM/ECF system, except for the following, who will be served via mail at the following addresses:

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/s/ Steven H. Hazel  
STEVEN H. HAZEL